

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WHITTIER CITY SCHOOL DISTRICT.

OAH Case No. 2015020710

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On February 6, 2015, Student filed a Due Process Hearing Request, naming Whittier City School District. On June 10, 2015, Student filed a Motion to Amend the Due Process Hearing Request and an Amended Due Process Hearing Request. District joined Student in a joint stipulation to permit the filing of a first amended complaint by Student.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)<sup>2</sup>

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

<sup>2</sup> Student also requested that the statute of limitations be calculated from the date the original Request for Due Process was filed. Because the filing of an amendment does not alter the calculation of the statute of limitations time period, which is based on when the complaint is initially filed, there is no need to issue a separate order. The statute of limitations calculations will use the date the initial request was filed.

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: June 10, 2015

/s/

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TED MANN  
Administrative Law Judge  
Office of Administrative Hearings